

## CHAPTER 241

## LEVEE AND DRAINAGE DISTRICTS

## S. F. 360

AN ACT relating to levee and drainage districts and improvements on petition or by mutual agreement as provided in chapter four hundred fifty-five (455), Code 1958.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred fifty-five point fifty-six (455.56),  
2 Code 1958, is hereby amended by adding after the period (.) in line  
3 forty-five (45) the following sentence:

4 "The agreement contemplated herein may be contained in the deed  
5 or other instrument effecting the division of the land, which agreement  
6 shall be binding upon the grantee or grantees by their acceptance of  
7 such instrument and their signatures shall not be necessary."

1 SEC. 2. Section four hundred fifty-five point fifty-six (455.56),  
2 Code 1958, is further hereby amended by adding the words after the  
3 word "shall" in line fifty-two (52) :

4 " , upon application of either party,".

1 SEC. 3. Section four hundred fifty-five point fifty-six (455.56),  
2 Code 1958, is further hereby amended by adding after the sentence  
3 which ends in line seventy-seven (77) the following new sentence:

4 "In the event the parties neither agree as to the apportionment of  
5 classification nor make application for the appointment of commission-  
6 ers, then the auditor of the county in which the land is situated shall  
7 make such apportionment upon an equitable basis and enter the same  
8 of record as herein provided."

1 SEC. 4. Section four hundred fifty-five point sixty-nine (455.69),  
2 Code 1958, is hereby amended by adding the following new sentence  
3 at the end thereof:

4 "However, modifications and changes may be made in the plan on  
5 which hearing was held without further notice or hearing, provided  
6 the same do not increase or decrease the estimated cost to the district  
7 by more than twenty-five percent."

1 SEC. 5. Section four hundred fifty-five point eighty-three (455.83),  
2 Code 1958, is hereby amended by adding the following sentence at  
3 the end thereof:

4 "Whenever the interest on bonds issued pursuant to the provisions  
5 of this chapter exceeds four percent per annum the interest on unpaid  
6 assessments shall equal the interest on such bonds but not to exceed  
7 five percent per annum, the provisions of sections four hundred fifty-  
8 five point fifty-seven (455.57) and four hundred fifty-five point sixty-  
9 four (455.64), of the Code, to the contrary notwithstanding."

1 SEC. 6. Subsection four (4) of section four hundred fifty-five  
2 point one hundred thirty-five (455.135), Code 1958, is amended by  
3 striking the period (.) after the word "therefor" in line twenty (20)  
4 and placing a semicolon (;) in lieu thereof, followed by the following:  
5 "construction, reconstruction, enlarging and relocation of levees  
6 and acquiring rights of way for levees."

1 SEC. 7. Section four hundred fifty-five point two hundred one

2 (455.201), Code 1958, is amended by adding a new subsection to said  
3 section as follows:

4 "If the cost to the district of the repair or alteration of existing  
5 improvements contemplated by this section does not exceed twenty-  
6 five percent of the sum of the original cost to the district and the cost  
7 of subsequent improvements, including all federal contributions, the  
8 board may proceed under the provisions of section four hundred fifty-  
9 five point one hundred thirty-five (455.135), of the Code, without  
10 notice and hearing.

11 "If the federal program divides a project into separate phases,  
12 each phase shall be considered a separate program as described in  
13 section four hundred fifty-five point one hundred thirty-five (455.135),  
14 of the Code, subsection four (4), and shall in no event be construed  
15 as an unauthorized division into separate programs to avoid the  
16 twenty-five percent limitation prescribed for making improvements  
17 under said section four hundred fifty-five point one hundred thirty-five  
18 (455.135), of the Code, subsection four (4), without notice and  
19 hearing."

1 SEC. 8. Section four hundred fifty-five point two hundred nine  
2 (455.209), Code 1958, is amended by adding a new subsection as  
3 follows:

4 "Whenever a plan has been adopted as contemplated by this section,  
5 modification and changes can be made therein without further notice  
6 or hearing, provided the same do not increase or decrease the esti-  
7 mated cost of the plan to the district by more than twenty-five  
8 percent."

1 SEC. 9. Section four hundred fifty-five point two hundred twelve  
2 (455.212), Code 1958, is hereby amended by adding the following  
3 words:

4 "The warrants may be numbered and state a maturity date in which  
5 event they shall bear interest from the date of issue without being  
6 presented for payment and marked unpaid for want of funds."

Approved April 18, 1961.

## CHAPTER 242

### DRAINAGE BONDS

H. F. 100

AN ACT relating to drainage bonds.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred fifty-seven point seventeen  
2 (457.17), Code 1958, is amended by striking from the end of said  
3 section the following:

4 ", and subject to the same exceptions in cases of appeals set forth  
5 in section 455.85".

Approved February 16, 1961.